

### **REMARKS**

Claims 1-39 are now pending in the application. Claims 16-29 and 36-39 are allowed, while claims 1-15 and 30-35 stand rejected. With this reply, Applicants have amended claims 1 and 16. Upon entry of the amendments, claims 1-39 remain pending.

Support for the amendments is found in the specification as originally filed. Applicants respectfully request entry of the amendments.

### **REJECTION OF CLAIMS 1-9 UNDER 35 U.S.C. § 103**

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as obvious over the Okayama reference (JP 2001-150559) in view of the Anderson reference (U.S. Pat. No. 5830548). Applicants respectfully traverse the rejection and request reconsideration.

Contrary to the position taken in the Office Action, the references when combined do not lead to the subject matter of claims 1-9. There is no teaching or suggestion in either of the references or in their combination for the limitation that the filler comprises particles having a density lower than that of the resin (claim 1). There is thus of course no teaching or suggestion that the filler is made of glass hollow microspheres (claim 5), or polymeric hollow microspheres (claims 6-8).

The Office Action characterizes the references in such a way that it is clear that upon combination they do not contain all of the elements of claims 1-9. The Office Action states the primary reference teaches fibers in its respective layers. Then the Office Action states the secondary reference teaches that such fibers can be of various types, amounts, and dimensions, citing to columns 10, 20, and 22 of the reference. Then the Office Actions states it "would have been obvious...to combine the teachings

of the secondary reference and incorporate fibers of...various types, amounts, and dimensions in respective layers of the primary reference...". There is thus in the office action no allegation that the references teach or suggest the claim limitations drawn to the filler particles having a density lower than that of the resin. For this reason, Applicants believe a *prima facie* case is not made out on the basis of the references and respectfully request the rejection be withdrawn.

As developed in earlier replies, Applicant respectfully submits that the Ex parte Pfeiffer case is not applicable to the current claims. Applicant respectfully submits that the steps of claim 1 are "manipulatively distinct" in the sense required by Ex parte Pfeiffer. In the interest of advancing prosecution, Applicants have amended claim 1 to recite that applying the laminate formula comprises providing a laminate formula having the novel property of filler particles having a density lower than that of the resin. Applicants respectfully submit that the amended claim is of the same scope as the previously offered claim. However, as currently worded, it is even clearer than the claim steps are "manipulatively distinct". Accordingly, Applicants respectfully request that any Application of Ex parte Pfeiffer of the current claims be withdrawn and the claims moved to a state of allowability.

#### **REJECTIONS OF CLAIMS 30-35 UNDER 35 U.S.C. § 103**

Claims 30-32 and 34-35 stand rejected under 35 U.S.C. § 103(a) as obvious over the Okayama reference (JP 2001-150559) in light of the Maker reference (U.S. Pat. No. 5,087,405). Claim 33 is rejected as obvious over the Maker reference and the GB Patent (1493547) and further in view of the Okayama reference. Contrary to the assertions in the Office Action, the references singly and when combined fail to disclose

at least one limitation of rejected claims. For this reason, Applicants respectfully traverse the rejections and request reconsideration.

As stated in the Office Action, the primary Okayama reference fails to teach the aspect of handling a glass cloth on top of the barrier coat layer as recited in claim 30. But contrary to statements in the Office Action, the secondary reference (Maker) does not supply the missing limitation. The Office Action states that the Maker reference teaches it is known to apply layer material by hand application, citing to columns 2 and 3 of the reference. The Office Action goes on to state it would have been obvious to combine the teaching of the Maker reference to supply the missing element in the Okayama reference.

The cited passages in the Maker reference, and indeed the entire reference, do not support the Examiner's position. The cited passages of Maker are reproduced here for convenience:

“Referring now to Fig. 1, it will there be seen that a prior art method of constructing FRP laminates includes applying a relatively thin layer (10-16 ml) of a catalyzed liquid gel coat 12, by spray or brush, to a properly prepared mold surface 10.” Column 2, lines 61-65.

Further at column 3, the reference states:

“The steps of the inventive procedure may be understood at least in part in connection with Fig. 2.

A clear or pigmented overlay 16 is applied to mold 10, by spray or brush. The overlay, which preferably consists of commercially available organic thermoplastic or thermosetting polymeric resins dissolved in appropriate chemical solvents, is allowed to dry at room temperature to a print free state.” Column 3, lines 6-13.

Neither of the above passages from the Maker reference refers to applying a layer material via a hand application as recited in claim 30. Rather, the reference discloses applying a gel coat by spraying or brushing it onto a mold surface. This disclosure is far

from suggesting handling a glass cloth on top of the barrier coat layer as recited in claim 30.

For the above reasons, Applicants respectfully submit that combination of the references to reject the claims is improper, and respectfully request the rejection be withdrawn.

Claim 33 appears to be rejected as obvious over the same references as applied to 30-32 and 34-35 above, and additionally in view of the GB Patent (1493547). Applicants respectfully submit that the third reference cited in support of a rejection of claim 33 does not remove the deficiencies of the other two references as applied to claims 30-32 and 34-35 above. Accordingly, Applicants respectfully request the rejection of claim 33 be withdrawn.

#### **REJECTIONS OF CLAIMS 10-15 UNDER 35 U.S.C. § 103**

Claims 10-15 are rejected under 35 U.S.C. § 103(a) as obvious over the GB Patent 1493547 in view of the Maker reference. Applicants respectfully traverse the rejection and request reconsideration.

The references when combined fail to disclose or suggest at least one element of the rejected claims. Neither reference, nor their combination, teaches or suggests the presence of polymeric hollow microspheres in laminate compositions according to the claims. The Office Action mischaracterizes the Maker reference by referring to its alleged disclosure of “marble like microspheres”, “marble microsphere particles”, “marble like particles”, and “polymeric marble microspheres”. As developed in earlier replies and repeated below, the secondary Maker reference does not disclose hollow microspheres or polymeric hollow microspheres as recited in the claims. Rather, the

Maker reference in the cited passages and throughout describe the use of marble dust in various compositions.

Attention is respectfully drawn to column 11, lines 1-15 of the Maker reference, cited in the Office Action for teaching that it is “known in the instant art to include such marble microsphere particles in fiber reinforced laminate such as taught by the primary reference”.

“EXAMPLE NO. 11

All cited examples of in-mold overlays require either:

1. A neutral barrier gel coat for pigmented overlays, or
2. A pigmented barrier gel coat for clear overlays.

The neutral or pigmented barrier gel coats may be eliminated in the manufacture of synthetic marble with a mixture of unsaturated polyester resin and marble dust (calcium carbonate). Example No. 11 describes the (SIC) composite of the synthetic marble composite.”

The reference thus teaches a mixture of “unsaturated polyester resin and marble dust”; it does not teach or suggest polymeric hollow microspheres as recited in claim 10. It is clear that marble dust is not the same as polymeric hollow microspheres. For discussion, attention is respectfully drawn to the Amendment After Final filed March 3, 2006, the content of which is hereby incorporated by reference. See, for example, Applicants’ comments on pages 15 and 16 of that amendment.

In summary, the references when combined fail to teach or suggest the claim limitation that the laminate composition contains polymeric hollow microspheres. For this reason, and the reasons discussed in earlier replies, Applicants respectfully request the rejection be withdrawn.

**AMENDED CLAIM 16 IS ALLOWABLE**

Claim 16 is amended to clarify the claimed invention. Amended claim 16 is allowable for at least the same reasons as the previous claim 16 was. Applicants respectfully request that amended claim 16 be considered allowable.

**CONCLUSION**

For the reasons discussed above, Applicants believe that pending claims 1-39 as amended are in an allowable state and respectfully request an early Notice of Allowance. The Examiner is invited to telephone the undersigned if that would be helpful in resolving any issue.

Respectfully submitted,

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